

REMARKS

Applicants respectfully request reconsideration of the outstanding rejections for the reasons that follow.

A. Rejection Under §103 Addressed

Claims 1-19 are rejected under 35 U.S.C. §103(a) as anticipated by Blair (US Patent No. 4,895,165 A) in view of Starzl et al (US Patent No. 5,542,431). The rejection is respectfully traversed.

Applicant's amended claim 1, and dependent claims thereto, is directed to a self-contained electronic estrus detection device for indicating optimum breeding time in an animal. The claimed device detects and processes information related to breeding time for the animal, and electronically compares the detected and processed information to predetermined/pre-set information that provides a threshold that must be exceeded for an indication of optimum breeding time. The determination is made on the self-contained device on the animal. Applicant's amended claim 1 further recites that the detected and processed information is continuously processed to calculate and indicate lack of estrus, suspect estrus and optimum breeding time.

The teachings in Blair and Starzl, alone or in combination, fail to teach or suggest this self-contained device for indicating optimum breeding time for an animal and for continuously using this information to calculate whether an animal is not in estrus, in suspect estrus or at an optimum breeding time. As noted above, Blair recites a detector that shows a total number of mounts on an animal and the sum of the total times elapsed during each sensed mount, taken together (see col. 1, lines 57-66). This is not an indication of optimum breeding time, as claimed in amended claim 1, but rather an indication of the function of number of mounts and sum of total times elapsed during any sensed mount taken together. Starzl recites a system and methodology wherein a transmitter module on the animal obtains and transmits data to a central receiver module, which is forwarded to a computer module. The data received by the computer

module is processed by dedicated software and a determination made by the computer software on whether the heat cycle for a particular animal has been started. Identification information is transmitted with data from the transmitter module on the animal to reliably connect data with the animal. The combination of Blair and Starzl, therefor, does not teach or suggest a self-contained electronic estrus detection device for continuously indicating lack of estrus, suspect estrus and/or optimum breeding timing as claimed.

As such, it is believed that claims 1-19 are allowable for at least the reasons cited above. Prompt allowance of these claims is respectfully solicited. Applicants, therefore, request the withdrawal of the §103(a) rejections to claims 1-19.

SUMMARY

The Director is hereby authorized to charge payment of the requisite fees in the total amount \$510.00 for the amendment and extension of time to Deposit Account No. 04-1415. Should any additional filing fees associated with this amendment be necessary, please consider this a request therefor and charge Deposit Account No. 04-1415 as necessary.

The Applicants thank the Examiner for his thorough review of the claims in this application. Further, the Applicants submit that the application is now in condition for allowance, and respectfully request that the application be passed to allowance. In the event the Examiner has questions or comments and a telephone conversation would expedite a resolution, the Applicants invite the Examiner to contact the undersigned attorney at (303) 629-3400.

The Applicants respectfully request a timely Notice of Allowance be issued in this case.

Dated this 10th day of February, 2006

Respectfully submitted:



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